

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

CHROMAR SYSTEMS, INC.
d/b/a CMS TECHNOLOGIES, INC.,
a Michigan Corporation,

Plaintiff,

v.

FOUNDRY NETWORKS, INC., a California
Corporation,

Defendant.

Civil Action No. 06-13936

Honorable Avern Cohn

**DECLARATION OF JASON PANG IN SUPPORT OF
FOUNDRY NETWORKS' MOTION FOR PARTIAL SUMMARY JUDGMENT
OF NONINFRINGEMENT OF CLAIM 17 OF U.S. PATENT NO. 5,406,260
BY FOUNDRY MIDSPAN PRODUCT BASED ON THE DOCTRINE
OF COLLATERAL ESTOPPEL**

I, Jason Pang, declare:

1. I make this declaration in support of Defendant Foundry Networks' ("Foundry") Motion for Partial Summary Judgment of Non-infringement of Claim 17 of U.S. Patent No. 5,406,260 Based on the Doctrine of Collateral Estoppel and for all other purposes allowed by law. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would competently testify to them under oath.

2. I have a Bachelors of Science (B.S.) degree in Electrical Engineering from the University of California at Los Angeles. I have worked in the fields of electronics engineering and telecommunications for eight years at technology companies, including Ciena Corporation, Foundry Networks, and Brocade Communications Systems, Inc.

3. I am currently a Hardware Engineering Manager employed by Brocade Communications Systems, Inc. and have been an employee there since 2008. Prior to the merger between Brocade and Foundry Networks, I was an employee of Foundry since 2004. While employed by Foundry and Brocade, I have been responsible for developing technical solutions and analyzing various Foundry products, including Foundry's IronPower 600 ("FIP-600 Midspan") Midspan power insertion equipment, and I am familiar with the structure and function of that product discussed in this declaration as well as other Foundry products.

FOUNDRY'S FIP-600 MIDSPAN PRODUCT

4. Foundry's FIP-600 Midspan power insertion product is manufactured by another company and Foundry sells the product to customers.

5. Foundry's FIP-600 Midspan is designed to provide DC power to remote devices on a network such as IP phones. The FIP-600 Midspan is inserted between older switches and remote devices, allowing them to supply DC power to the remote devices. In this

manner, a customer can receive the advantages of supplying inline power from a centralized location without having to replace an expensive Ethernet switch.

6. Attached as Exhibit 1 is a true and correct copy of a datasheet for the IronPower FIP-600 Midspan product.

7. Exhibit 2 intentionally blank.

8. Foundry, like other companies that design and manufacture electronic devices, employs a system for filing and tracking data sheets and other the engineering documents and technical specifications of its products. Foundry's business relies on the accuracy of this system and on the ability to match an individual product with the technical information pertaining to such a product. Foundry's datasheet for the FIP-600 (Exhibit 1) is also posted on its web site for use by customers and others. I am therefore confident that Exhibits 1 is accurate representations of Foundry's FIP-600 Midspan product as of the dates listed on each diagram.

9. Chrimar identified Foundry's products that are accused of infringing the '260 patent – called the "Paradigm Products" for purposes of this lawsuit – in Chrimar's Statement of Paradigm Claim and Devices filed January 3, 2007. I understand that Chrimar updated its listing of Paradigm Products in a letter to Foundry's counsel dated July 23, 2008, and corrected this listing in a letter to Foundry's counsel dated August 18, 2008. A true and correct copy of Chrimar's Statement of Paradigm Claim and Devices dated January 3, 2007, Chrimar counsel's letter dated July 23, 2008, and Chrimar counsel's letter dated August 18, 2008 are attached as Exhibit 3.

10. As stated in Chrimar counsel's letter dated August 18, 2008, Chrimar identifies Foundry's FIP-600 Midspan product as one of the Paradigm Products accused of

infringing Paradigm Claim 17 of the '260 patent. This is the only Foundry Midspan product listed in Chrimar counsel's letter dated August 18, 2008 letter, Exhibit 3.

POWER SUPPLY AND DELIVERY

11. The cable that connects a remote device to the FIP-600 Midspan and other Ethernet midspans contains eight wires. Foundry's FIP-600 product is a 10/100 Megabit Ethernet (10/100BaseT) product. In 10/100BaseT products, data traffic passing to and from a powered device, for example an IP phone, occupies only four of these wires, leaving the remaining four "spare" wires available for other purposes. In the standard nomenclature of those who work in this field and are skilled in the art, when only wires connected to pins 1, 2, 3, and 6 are used to carry data communication signals, the remaining wires connected to pins 4, 5, 7, and 8 are commonly referred to in the industry as the "spare pairs."

12. The FIP-600 product is a 6-port, 15.4 watt per port, Midspan. Data communication occurs only over wires connected to pins 1, 2, 3, and 6, while power is only provided over spare wires connected to pins 4, 5, 7, and 8. Exhibit 1 at pp 1-2.¹ In this product, data communication occurs over wires connected to pins 1, 2, 3, and 6 while power is provided over wires connected to pins 4, 5, 7, and 8. As a result, when the FIP-600 Midspan provides power to IP phones or other remote equipment, power and data travel over physically separate wires. These Midspans never pass data communication signals over the spare wires that carry DC power, nor do they place DC power on the data communication lines.

13. The datasheet for the IronPower FIP-600 Midspan product, Exhibit 1, describes the pin assignment and polarity of the power output from the FIP-600 Midspan product. See Exhibit 1 at pp 1-2. Each output port of the FIP-600 has 8 pins. Each pin is assigned a number 1 through 8. Exhibit 1 shows pins 4/5 having positive polarity ("4/5 (+V)")

and pins 7/8 having negative polarity (“7/8 (-V)”). *See Id.* When a connection is made to a port of the FIP-600, there is a wire connected to each of the pins. Each of these wires has an input and output end. The wires, 1 through 8, are each electrically isolated from one another. Thus, the input from each of the wires connected to pins 4, 5, 7, 8 are electrically connected solely to respective outputs 4, 5, 7, and 8. The input from data wires connected to pins 1, 2, 3, and 6 of the FIP-600 are electrically connected to respective outputs for data wires connected to pins 1, 2, 3, and 6, and are not connected to the spare wires connected to pins 4, 5, 7, and 8. Power is provided to the outputs for spare wires connected to pins 4, 5, 7, and 8. The inputs from spare wires connected to pins 4, 5, 7, and 8 are not used for data.

14. Foundry’s FIP-600 Midspan product powers devices in a 10/100BaseT environment as discussed above. This Midspan product provides power and passes data over physically separate wires. The FIP-600 Midspan never passes data communication signals over the spare wires connected to pins 4, 5, 7, and 8 that carry DC power. Likewise, the product never places DC power on the data communication lines connected to pins 1, 2, 3, and 6 that carry data communication signals. Thus, the same four wires are never used to pass data and carry DC power. No data communication occurs on spare wires connected to pins 4, 5, 7, and 8. Instead, only power is provided through spare wires connected to pins 4, 5, 7, and 8.

15. The FIP-600 Midspan product is fully compliant with the 802.3af standard. *See* Exhibit 1 at pp. 1-2.

16. The 802.3af standard requires that Midspan products powering devices in a 10/100BaseT environment provide power and pass data over physically separate wires. The 802.3af standard provides that Midspan products, to be compliant with the standard, do not pass data communication signals over the spare wires connected to pins 4, 5, 7, and 8 that carry DC power. Likewise, the 802.3af Midspan products do not place DC power on the data communication lines connected to pins 1, 2, 3, and 6. This is shown in Figure 33-4 of the

802.3af standard – Midspan PSE, Alternative B at page 30. A copy of the 802.3af standard is attached as Exhibit S to the Declaration of Monte Cooper In Support of PowerDsine, Ltd.'s Motion For Partial Summary Judgment Of Non-Infringement of Claim 16 of U.S. Patent '260 Based on Collateral Estoppel dated September 25, 2009 ("Cooper Decl.") and incorporated herein.

17. As shown in Figure 33-4, Midspan PSE, Alternative B, of the 802.3af standard, the data communication lines are at the top and bottom of the figure, labeled "Data pair," and the spare wires that carry DC power are in the center of the figure connected to the box labeled "Power Source Equipment (PSE)." See Exh. S to Cooper Decl., Figure 33-4, Midspan PSE, Alternative B, at p. 30.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 29th day of September, 2009, at Sunnyvale, California.



Jason Pang